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In re Application of

Anthony M. Iannelli

Application No. 10/800,563

Filed: March 15, 2004

Attorney Docket No. US-0204-I

DECISION ON PETITION

This is regarding the "Request to Modify Notice of Abandonment" filed September 8, 2006. The request will be treated as a petition under 37 CFR 1.181(a) to withdraw the holding of abandonment.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on December 23, 2005, after it was believed a proper response was not filed to final Office action mailed September 22, 2005, which set a shortened statutory period for reply of three months from its mailing date. A Notice of Abandonment was mailed on April 26, 2006.

The instant petition maintains that PCT continuation-in-part application was filed on March 22, 2006, that was intended to be a response to the final Office action. The PCT continuation-in-part application was accompanied by a request for an extension of time within the third month. A review of USPTO record reveals that application PCT/US06/10288 was filed on March 22, 2006, as is of record. It is noted that application PCT/US/06/10288 indicates in the first sentence of the specification that it is a continuation-in-part of application 10/800,563. Because a response was filed with the Office prior to the expiration of the period for reply, the petition is granted and the holding of abandonment withdrawn.

The instant application is again abandoned in favor of the continuation-in-part application filed March 22, 2006.

Questions regarding this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
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Office of Petitions